THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 17166 of 1996

DATED: 23-01-2006

Smt.M.Jarnamma.

..... PETITIONER

AND

The State of A.P.,

Secretary, Revenue,
Secretariat,

Hyderabad & two others.

.....RESPONDENTS

ORDER:

No representation on behalf of the petitioner.

Heard the learned Assistant Government Pleader.

This petition is filed seeking a direction to the respondents not to proceed against her property without giving her a proper opportunity of being heard.

In the counter affidavit, filed by the third respondent on behalf of the respondents, it is alleged that petitioner erected a big dabba and is carrying on business in foot wear on the Nala bund and due to over flow of water all the persons who were carrying on business on the Nala bund were asked to vacate the premises and the dabba of the petitioner was not touched and the house of the petitioner is not tried to be demolished as contended by her.

Since the averments in the counter affidavit filed on behalf of the respondents clearly show that the house of the petitioner is not

being removed as it is not an encroachment and since the petitioner is said to have encroached the Nala bund by putting up a dabba respondents can take steps for removal of the encroachment made by the petitioner by placing the dabba on the bund of the Nala by taking recourse to due process of law. Petition is ordered accordingly. No costs.

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(C.Y.SOMAYAJULU,J)

23rd January, 2006

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